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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,636	10/19/2005	Wolfgang Flatow	052003-0014	6637

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EXAMINER
HWA, SHYUE JIUNN

ART UNIT	PAPER NUMBER
2163	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action **Before the Filing of an Appeal Brief**	10/553,636	FLATOW, WOLFGANG
	Examiner	Art Unit
	JAMES HWA	2163

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED **07 March 2008** FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

       Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *1-22*.

   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
    See Continuation Sheet.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.

13. ☐ Other: _____.

/don wong/
Supervisory Patent Examiner, Art Unit 2163

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argued, Lee (US Patent 7,031,956) describes "the DTD 18 is loaded by the system 10 and used in metadata format to generate not manage a relational schema 22 (column 15, lines 49 to 52)". Examiner respectfully disagrees.
In response to applicant's argument, Lee teaches from the data stored in metadata tables, the generator generates the relational schema in the relational database. In an optional loop, the optimizer (e.g. manage) can massage the data stored in the metadata tables to create a more efficient set of inputs for the generator which, in turn, results in the generation of a more efficient relational schema (column 15, line 66 to column 16, line 5; see also element 26 of figure 1A).

Applicant argued, claim 1 is directed towards a database schema, which corresponds in general terms to the database schema 22 of Lee. However, in Lee, the metadata tables are used as a basis to allow the relational schema 22 to be generated, and for this reason alone a skilled person would not look to the metadata tables of Lee for the database schema management of the present invention, because the metadata tables of Lee are not a database schema. Examiner respectfully disagrees.
In response to applicant's argument, that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., directed towards a database schema) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
Lee teaches either the metadata tables 34 or, if the optimizer 26 is employed, the pattern and pattern mapping tables 36 are fed to the loader 30 to create and fill the tables 20 and the relational database 14 according to the generated table schema 22 (column 16, lines 53-57). Applicant argued, that generated table schema 22 (in figure 1A) include metadata of Lee are not a database schema. However the elements 76, 84 in figure 4 and elements 416, 420, 432, 438 in figure 5, they are all database loader schema but not related to the insert metadata.

Applicant argued, "use of custom schemas results in significant problems" and "current claim 1 relates to a database management system having a defined database schema". Examiner respectfully disagrees.
In response to applicant's argument, Lee discloses the same concerns (problems). Like, prior attempts to solve these problems have fallen short of an efficient and, preferably automatic, way to import XML data into a relational database schema (column 4, lines 3-50).
Data contained in the XML document is loaded into the tables as defined by the relational schema by using the associated metadata tables (column 14, lines 62-65). Generating the schema for the relational database from the metadata, wherein at least one table is defined in the relational database corresponding to at least one content particle of the document-type definition via the metadata (column 6, lines 49-54).

Applicant argued, first, second, third tables are not obvious in view of Lee. Examiner respectfully disagrees.
In response to applicant's argument, Lee discloses joinConstrain table include attribute field (element 102 of figure 1B). DTDM_Attributes table include name and name entities fields (elements 30, 90, 92 of figure 1B), once all these tables massaged by optimizer will generation of a more efficient relational schema (column 15, line 66 to column 16, line 5). These loaded or optimized schema will include attribute field, name and name entities fields.

Applicant's argument with regards to the dependent claims rely upon the arguments set forth with respect to claims 1 and 18, which have been addressed above. Consequently, the rejection of claims 1-22 under U.S.C. 103(a) is maintained.

/C. T. T./
Primary Examiner, Art Unit 2162